



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,296	12/21/2001	Jong-Hyun Jin	P-0302	3224
34610	7590	03/21/2007		
KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER JAMAL, ALEXANDER	
			ART UNIT 2614	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/024,296	<b>Applicant(s)</b> JIN ET AL.	
	<b>Examiner</b> Alexander Jamal	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5-8 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Based upon the submitted amendment (8-9-2006), the examiner notes that claims 21-24 have been amended.
2. Examiner notes two additional pieces of recently discovered prior art: Saburi (EP1096771A1) and Eddington (5966165).
3. Examiner notes that the 'origination continuation message' is a message sent separately from an origination message that comprises a subaddress as defined by the standards noted in applicant's specification page 11 paragraphs 42,43.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 21-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Irube et al. (6377818).

As per **claim 21**, Irube discloses a mobile telephone system that sends/receives connection requests (wirelessly transmitting an originating message with a sub-address). The call request data structure further comprises a subaddress that notifies the destination terminal as to which communication medium should be used to connect the call (voice mode or video mode) (ABSTRACT, Col 16 lines 43-58, Col 18 lines 15-27). The request is received by a destination terminal (Col 18 lines 35-50) (the call must determine whether there is an origination continuation message in order to send the acknowledgement (Col 18 line 40)). The calling and receiving devices comprise on/off switches that control power to the functional components the powered up or powered down state determines whether the distinguishing function is set active (Col 6 lines 30-45). When active the destination terminal will distinguish between a video or voice call based upon messaging that may be contained in the subaddress (these are the steps of distinguishing a voice/video call, and determining if the distinguishing function is set active (via the on/off switch)) (Col 18 lines 15-30, Col 13 lines 35-45). The calling device calls the called device and confirms if the called device can perform in video mode (video/voice multiplexed mode) and if the called device grants execution of the mode. If the called device is able grant execution of the mode, it must be able to distinguish between a voice only call or video/voice multiplex call. Once the type of call has been negotiated between the terminals, the call is connected accordingly (connecting the call as a voice or video call). Irube discloses the means to perform the method of the

claim 1 rejection. Both the calling and called devices comprise displays. After receiving a call request, the user selects to receive the call by answering or granting execution the phone/video call (Col 9 lines 25-60) (Col 13 lines 30-52).

As per **claim 22**, the claim is rejected for the same reasons as the claim 21 rejection.

As per **claim 23**, The called device user may select to receive the video call request, or voice call request when a video call is received. The called device user may refuse any call type request at any time by using the on/off power down button on the device. Once this occurs a refusal message will be transmitted to the calling device. Examiner reads 'refusal message' as any signaling that is applied by the communications network to the calling device to notify calling device that there is no longer a connection between the two devices.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2614

2. **Claim 24** rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (6377818) as applied to claim 21 above, and further in view of applicant's admitted prior art (specification page 11 paragraphs 42,43).

As per **claim 24**, Irube discloses using a subaddress to identify the type of call received. However, Irube does not specify means to detect origination continuation message information within the origination continuation message.

Applicant's admitted prior art (the standards specified in page 11 paragraphs 42 and 43) discloses that known standards specify the use of an SA information record (origination continuation message) when using a subaddress in a communications system. As such the communications terminal inherently comprises means to detect the origination continuation message information for the purpose of being able to receive and identify an origination continuation message. It would have been obvious to one of ordinary skill in the art at the time of this application to implement origination continuation messages when using subaddress information in a communication system for the purpose of complying to known standards.

***Allowable Subject Matter***

1. **Claims 3,5-8,15-20** are allowed over the prior art of record

***Response to Arguments***

Applicant's arguments with respect to claims 21-24 have been considered but are not persuasive.

As per applicant's arguments concerning claim 21, the examiner maintains that the terminal of Irube is able to detect the position of the on/off switch because it is able to turn on and off. If it is turned off then the call distinguishing function is set inactive because the terminal is off. As per applicant's comments that the on/off switch of Irube is not capable of distinguishing a call, examiner does not understand applicant's point. The 'distinguishing function' of the claim, and of Irube is able to distinguish a voice call from a video call.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

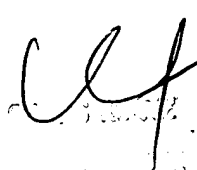
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ  
March 18, 2007



Alexander Jamal  
571-272-7498  
571-273-8300